

February 6, 1976

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Senator Chambers, would you answer a question?

SENATOR CHAMBERS: Yes.

SENATOR BARNETT: By golly, I believe you let out the Lancaster County sheriffs. I think you might let out a lot of people and I want you to define it. Could I get around your act if I called these people something else? Would the Lancaster Sheriff's Posse not be included?

SENATOR CHAMBERS: Senator Barnett, right now in Douglas County they have what they call "auxillaries, reserves, specials" and so forth but the statute only recognizes special deputies so a rose by any other name is a rose. You cannot change what a thing is by calling it by a different name and the Attorney General testified before the Judiciary Committee the other day on a different matter and said that the Legislature cannot avoid constitutional prohibitions against certain things by attempting to legislatively redefine words. So regardless of what a sheriff's department will call a thing, it is still a special deputy.

SENATOR BARNETT: Anything other than a deputy would be a special deputy?

SENATOR CHAMBERS: Regardless of what it is called, right.

SENATOR BARNETT: Okay.

PRESIDENT: Senator Schmit.

SENATOR SCHMIT: Mr. President, I would like to ask a question of Senator Chambers, please.

SENATOR CHAMBERS: Yes.

SENATOR SCHMIT: Senator Chambers, what would constitute public notice in the event that the sheriff in my county wanted to declare an emergency?

SENATOR CHAMBERS: He would just have to call...he could call a radio station.

SENATOR SCHMIT: If there were an emergency that occurred, you know, a murder or robbery where he needed to employ extra help, could the dispatcher do that?

SENATOR CHAMBERS: Yes, the dispatcher could just call the station and he could immediately begin to activate these individuals.

SENATOR SCHMIT: There would be no need for delay or anything.

SENATOR CHAMBERS: No delay whatsoever.